



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

July 2, 2014

6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

**Planning
Board
Approval:**

7/16/14

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chairman Ashley Tucker.

Roll Call: Starr Leyva, Rick Williams, Ron Homeyer, Ashley Tucker, Mark Curtis, Jim Cole. Ken Knight was absent.

Staff present: Administrator of General Services - John Sudduth, Building Official-Glenn Tracy, Planning Manager – Kevin Gambrell, Senior County Planner – Mike McConnell, and County Planner - Taylor Reamer were present. Planning Director – Rinkey Singh was absent.

Public Present: 1 member, Dave Montgomery, of the public was present. (See attached sign in sheet for additional information).

Disposition of Minutes: Mr. Curtis moved to approve the June 18, 2014 Planning Board Meeting Minutes. The motion was seconded by Mr. Williams. The motion carried 6-0.

General Public Comment: None

Old Business: None

New Business: None

Public Hearing adjourned at 6:02pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:02pm

Old Business: None

New Business:

- A. Reinwald Telecommunications Tower/Variance #14-429, Slate Gap Rd., Garfield 18-01563-000
Represented by Lee Ann Fager, Retel Services,**

Staff Report: Property owner, Richard & Annette Reinwald, is proposing to allow AT&T to construct a new 250' telecommunications tower on their property. The subject land has frontage along Slate Gap Rd. In addition to the construction of the tower, applicant, Lee Ann Fager, with Retel Services, is also requesting a variance to allow a Residential Setback of 712' in lieu of the required 1500'. The submitted application

contains a site plan and written proposal. Staff conducted a review of the application and all materials in accordance with §7.2 of the Planning and Development Regulations of Benton County. A 30ft. wide access easement is proposed from Slate Gap Road.

Applicant is requesting a variance from the residential setback regulation §7.2.H.3, "Setback from Residences. Towers subject to this section will be located so that there will be no occupiable residences where the nearest part of such residence is within fifteen hundred feet (1500 feet) or twice the height of the tower, whichever is greater".

Five residential dwellings are within 1500 feet of the proposed tower, the closest being 712 feet from the base of the tower. Applicant is required to provide the hardship in achieving compliance with the setback requirements.

The following items are outstanding per Technical Advisory Committee Report:

- Applicant to demonstrate hardship for requesting a variance to allow a Residential Setback of 788' in lieu of the required 1500' from the closest existing residential dwellings. The other 4 dwellings are also within the 1500 feet setback.
- Proof of installation of Public hearing signage on-site to be submitted by July 2, 2014

Applicant Comment:

Ms. Fager stated there was confusion on the actual residential setback because there are different setback requirements on municode and the County website.

Mr. Tucker asked if the applicant had the chapter of the regulations where the setback is stated.

Ms. Fager confirmed she had the chapter of the regulations that stated 1500 foot residential setback for Telecommunications towers, but municode states a different setback.

Mr. Tucker stated municode is not up to date, the new regulations was ratified in March.

Ms. Fager stated that the 1500 foot setback will be difficult to conform to in Benton County.

Mr. McConnell stated the regulations state 1500 foot or twice the height of the tower whichever is great is the setback from residences for telecommunication towers. The 400 feet plus height of the tower was in the previous Benton County Planning Regulations.

Ms. Fager asked where 500 feet plus height of the tower had come from, as previously discussed with staff.

Mr. Tucker asked what the proposed height of the tower was.

Ms. Fager stated 250 feet.

Mr. McConnell stated the 500 feet plus the height of the tower is a proposed revision to the regulations, current regulation states 1500 feet from residences.

Ms. Fager stated that 1500 feet from residences will be difficult to accomplish for this site.

Mr. Tucker asked if the setback was measured from the base of the tower or the site property line.

Mr. Gambrill stated the setback is a residential building to tower setback.

Ms. Fager stated that this tower is oriented in a way to be further away from the flight pattern of the Lost Bridge air strip north of the property. The location of the tower is in the southwest quadrant of the parcel to make the access from Slate Gap Road drive easier to construct. The site is going to be very expensive to build on.

Mr. Tucker asked the Board what they thought about the location of the tower in relation to the residences.

Mr. Curtis stated that the regulations say that the property owners within the setback can consent to the construction of the tower.

Ms. Fager stated she can contact those property owners.

Mr. Sudduth asked the applicant if she was clear on the regulation setback from residences of 1500 feet. The 500 feet is the notification buffer required for Public Hearing.

Ms. Fager stated the notification buffer is 0.5 mile and she ended up with over 60 notifications sent out for this project.

Mr. Sudduth stated there is a revision being proposed to amend the regulations to stated 500 feet for telecommunication towers.

Mr. Tucker stated it is possible for the residences to consent, but would still require a variance.

Mr. Tucker stated from a location standpoint the position of the tower is good.

Ms. Fager stated the site is very heavily forested.

Mr. Tucker asked if the plan was to keep the trees and to cut only for the access road.

Ms. Fager stated the trees will remain.

Mr. Gambrill asked who the manufacturer of the towers would be.

Ms. Fager stated Tower Co. or American Tower.

Mr. Gambrill asked if these companies had any experience in blending the towers into the landscape via unconventional materials or colors.

Ms. Fager stated that monopoles are usually more regularly colored in stealth colors. This site would not be as suited for that type of application due to the proximity to the air strip and the already heavily forested terrain. The FAA may require the tower to be colored orange and white.

Mr. Tucker asked if the FAA will determine if the tower is in the flight path and require the lighting and coloring of the tower.

Ms. Fager confirmed and as of now the tower is not within the flight path.

Mr. Tucker asked the applicant to confirm and supply documentation from FAA if it is determined the tower is within the flight path.

Mr. Curtis asked staff to show the location of the air strip in relation to the tower.

Mr. Sudduth asked if a strobe light is required.

Ms. Fager stated strobe is usually not necessary; the continuous red is used primarily for telecommunications towers on this height.

Mr. Sudduth stated if the strobe light is required by FAA proper documentation shall be submitted to staff.

Mr. Curtis stated due to the power company proposing to construct power lines in this area, the political climate in the vicinity to the cell tower may create some negative feedback for this proposal.

**B. Bing Bing Investments Site Plan Review #14-434, 9949 Hwy 72, Bentonville 18-07376-002
Represented by: Dave Montgomery, REMAX Realty, 3103 SE Moberly, Bentonville
Joe Delacruz, 712 Jefferson, Bentonville**

Staff Report: The agent, Dave Montgomery, for the applicant, Bing Bing Investments, proposes to utilize an existing 7500 sq. ft. building to house a light manufacturing business at 9949 Highway 72 East. The facility will house a minimum of 7 employees with the potential for 10 per shift. This proposed facility would require a minimum of 25 parking spaces plus any additional spaces for company owned vehicles. This amount of parking would require 1 ADA compliant space. The site plan shows 11 parking spaces, the site plan does not show ADA spaces or loading spaces on-site.

Currently there is an existing access drive from Highway 72. From this access the internal drive splits and goes to the north and south sides of the building.

On June 17, 2014 the applicant provided a site plan.

The following items are outstanding per Technical Advisory Committee Report:

1. Service confirmation- Landscaping maintenance
2. Confirm type of trees with staff. Note on site plan
 - I. *Applicant provided type of tree on-site revised*
3. Service confirmation- Solid Waste
4. Service confirmation- EMS/Fire
5. Certified Mail receipts for Notification
 - I. *Applicant submitted Certified Mail Receipts to staff 7/2/2014*
6. Show adequate parking on the site plan or apply for a variance. Also show ADA spaces and loading spaces.

Board Comment:

Mr. Tucker stated this site is the former commercial/light industrial Service Master location.

Mr. Tucker asked what the company plans to manufacture.

Mr. Delacruz stated he is in the sales aspect of the company, but he would answer any questions he can. The product being derived from sustainable bulk materials are disposable products like heat resistant coffee sleeves, disposable bags, and other products to replace disposable plastic products.

Mr. Curtis asked if this was plastic manufacturing.

Mr. Delacruz stated this is a polypropylene manufacturing rather than the production of plastics.

Mr. Curtis asked what the difference between polypropylene and plastics.

Mr. Delacruz stated the ingredients that go into the production of the products and polypropylene is biodegradable.

Mr. Curtis asked in order to produce this product does the process involve high amounts energy inputs, in the form of heat.

Mr. Delacruz stated he would have to get the answers for the Board.

Mr. Tucker stated that this proposal is a heavy industrial application.

Mr. Curtis stated this application is an energy intensive production, heavy industrial.

Mr. Tucker asked if the bags produced were a woven or pressed type of material.

Mr. Delacruz stated pressed.

Ms. Leyva asked if the company currently produces this product.

Mr. Delacruz stated the company currently operates in Taiwan.

Mr. Cole asked if the applicant can supply a product sample for the Board.

Mr. Tucker asked if any materials will be stored outside.

Mr. Delacruz stated the plan was not to have any outdoor storage; there is a possibility to build another building for storage.

Mr. Tucker asked how the materials were delivered and how finished product was transported.

Mr. Delacruz stated semi-trucks would be used for transportation of products.

Mr. Tucker asked how often the deliveries would occur during the week.

Mr. Delacruz stated he does not have an answer.

Mr. Tucker stated that this information will need to be followed up on.

Mr. Williams asked if the bulk material was stored in bags or silo.

Mr. Delacruz stated bagged.

Mr. Tucker asked the applicant to supply information about storage of bulk material and finished product.

Also, the construction of a new storage building can be a part on this Site Plan review application.

Ms. Leyva stated this building is relatively small for this application, once all the equipment and machinery is installed the work and storage space may be limited.

Mr. Williams asked if sufficient power supply was on site.

Mr. Montgomery stated the applicant will be upgrading the power supply.

Mr. Tucker asked if the Fire Marshal has provided any feedback for this application, other than the installation of a fire hydrant.

Mr. McConnell stated fire suppression standards were contingent on the building modifications.

Ms. Leyva asked if all the information the Fire Marshal asked for was answered by the applicant.

Mr. Curtis stated that lighting upgrades may be necessary for this application.

Mr. Montgomery stated all lighting was building mounted flood lights.

Mr. Tucker stated that lighting requirements generally require the applicant to keep all light contained on the property, lighting upgrades to incorporate full-cut off fixtures or light shielding may be needed on the south and west sides of the building.

Mr. Curtis asked if this was going to be a 24 hour operation.

Mr. Delacruz stated the company is not that far into the development process for this operation. 1 shift for sure right now, the demand is unknown for now.

Mr. Curtis asked for the plans, because a 24 hour operation changes the traffic flow, delivery schedule, etc.

Mr. Montgomery stated this was going to be a small operation to begin with that most likely will not expand immediately.

Ms. Leyva stated the current septic system on site is only rated for a one shift operation, exceeding this will require a septic upgrade.

Mr. Tucker asked if any manufacturing discharge would enter the septic system.

Mr. Curtis stated the applicant supplied this information to the Fire Marshal, but the waste product that is produced for the manufacturing needs to be supplied to the Board.

Mr. Tucker stated the waste composition and where the waste goes needs to be addressed by the applicant.

Ms. Leyva stated any commercial/industrial waste into the septic would render the septic system not valid because the current system is not rated for that type of effluent. ADEQ would have to certify the commercial/industrial septic system.

Mr. Curtis stated that the previous business collected waste in 55 gallon drums.

Mr. Tucker asked if the site was on a well still.

Mr. Montgomery stated Pea Ridge water was on site and the existing well was used for outside water spigot.

Mr. Sudduth asked if the applicant was requesting a variance for the total number of parking, not the ADA compliant spaces.

Mr. Montgomery confirmed the variance was for the total number of spaces.

Other Business: None

STAFF UPDATES:

A. Administrative Approvals

- i. Hardbarger Minor Subdivision, Property Line Adjustment, #14-419, 22445 Harper Lane Rd., Gentry 18-13428-002
 - Total acreage of 11.77 acres
 - Tract 1 – 6.75 acres
 - i. Adjusted – 8.17 acres
 - Tract 2 – 5.02 acres
 - i. Adjusted – 3.60 acres
 - Approved June 24, 2014
- ii. Langley Minor Subdivision, Tract Split, #14-424, Turkey Ridge Rd., Decatur 18-14226-000
 - Total acreage of 29.99 acres
 - Tract 1 – 27.99 acres
 - Tract 2 – 2.00 acres
 - Approved June 25, 2014

B. Fireworks Temporary Use Permits

- i. Hale Fireworks-McNelly Property TUP, 8544 W McNelly, Bentonville 18-07235-000
 - Temporary Use Fireworks permit for 1800 sq. ft. tent
- ii. Hale Fireworks-Hwy 94 TUP, 17448 N Hwy 94, Bella Vista 18-07797-002
 - Temporary Use Fireworks permit for 1800 sq. ft. tent
- iii. Hale Fireworks-Taylor Corn TUP, 18370 Taylor Corn, Siloam Springs 18-10466-000
 - Temporary Use Fireworks permit for 1800 sq. ft. tent
- iv. Hale Fireworks-Hwy 59 TUP, 15522 Hwy 59, Siloam Springs 18-14161-000
 - Temporary Use Fireworks permit for 3200 sq. ft. tent
- v. Hale Fireworks-Bone Property TUP, 1169 Slack Street, Pea Ridge 15-07032-000
 - Temporary Use Fireworks permit for 1800 sq. ft. tent
- vi. Uncle Sam's Fireworks-Hickory Creek Fire Department TUP, 15645 W Hwy 264, Lowell 18-02577-001
 - Temporary Use Fireworks permit for Hickory Creek Fire Department facility
- vii. Uncle Sam's Fireworks-Hwy 12 TUP, 16101 E Hwy 12, Rogers 18-03431-001
 - Temporary Fireworks permit for 5400 sq. ft. tent
- viii. Uncle Sam's Fireworks-SW 14th Street TUP, 2815 SW 14th Street, Bentonville 18-08658-001
 - Temporary Use Fireworks permit for 1800 sq. ft. tent
- ix. Uncle Sam's Fireworks-Gum Springs TUP, 16400 Gum Springs Rd., Siloam Springs 18-12654-000
 - Temporary Use Fireworks permit for 5400 sq. ft. tent
- x. Cluck's Fireworks TUP, 13003 Hwy 62, Rogers 18-05024-001
 - Temporary Use Fireworks permit for 1800 sq. ft. tent
- xi. Riverside Fireworks TUP, 17023 Chamber Springs Rd., Siloam Springs 18-10490-006
 - Temporary Use Fireworks permit to utilize 200 sq. ft. of the existing 6500 sq. ft. structure
- xii. Hawg Wild Fireworks TUP, 6900 Vaughn Rd., Bentonville 18-09019-000
 - Temporary Use Fireworks permit for 1500 sq. ft. tent
- xiii. Furlow Fireworks TUP, 20131 W Hwy 72, Gravette 18-14959-001
 - Temporary Use Fireworks permit for existing 4000 sq. ft. facility

DISCUSSION ITEMS:

Planning Board Revisions:

Planning Regulation Revisions will be read at the next Committee of the Whole meeting July 8, 2014.

Mr. Sudduth stated that he and Planning Director met with Tom Allen to review the revisions.

Mr. Tucker asked if Mr. Allen had any questions or concerns.

Mr. Sudduth stated that Mr. Allen was pleased with the prepared revisions. There will be a PowerPoint presentation at the meeting.

Meeting Adjourned at 7:00pm.

